

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FILED

APR - 9 2021

UNITED STATES OF AMERICA

v.

SETH AARON PENDLEY

No. 4:21-MJ-240-BJ
CLERK U.S. DISTRICT COURT
By: _____
Deputy

CRIMINAL COMPLAINT

I, the undersigned complainant being duly sworn, state the following is true and correct to the best of my knowledge and belief:

Alleged Offense

On or about the 8th day of April, 2021, in the Northern District of Texas, the defendant, **Seth Aaron Pendley**, maliciously attempted to damage and destroy, by means of fire and explosive materials, an Amazon Web Services data center on Smith Switch Road in Ashburn, Virginia, used in interstate and foreign commerce and in activities affecting interstate and foreign commerce, in violation of 18 U.S.C. § 844(i).

Introduction

1. I am a Special Agent with the Federal Bureau of Investigation (FBI) and am authorized to investigate violations of the laws of the United States. I have been employed as an FBI Special Agent since 2005 and am assigned to the Wichita Falls Resident Agency (WFRA) of the Dallas Division of the FBI. I am assigned to the Safe Streets Task Force (SSTF), which investigates interstate threats, extortions, bank robberies, kidnappings, fugitives, Hobbs Act robberies, and malicious mischief, among other violations of federal law.

2. I make this affidavit in support of an application for a complaint and arrest warrant for **Seth Aaron Pendley**, for violating 18 U.S.C. § 844(i). I base the facts set forth in this affidavit upon my personal knowledge, information obtained during my participation in this investigation, review of documents, knowledge obtained from other individuals including law enforcement personnel, and communications with others who have personal knowledge of the events and circumstances described herein. Because this

affidavit is being submitted for the limited purpose of enabling this Court to make a judicial determination of probable cause to issue an arrest warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish the legal basis for the issuance of an arrest warrant.

Probable Cause

3. MyMilitia.com is an online forum used by militia supporters and members to communicate and organize militia groups. The forum facilitates conversations typically dedicated to helping individuals find militias in their area, recruiting individuals to already-established militia groups, and sharing information about combat and firearms training opportunities. On January 8, 2021, a concerned citizen notified the FBI of a user on the MyMilitia.com forum, who used the name Dionysus. The concerned citizen provided the FBI with screenshots of several comments and posts from Dionysus pertaining to riots and acts of violence perpetrated at the United States Capitol Building in Washington, D.C. on January 6, 2021.

4. In one post, Dionysus stated, "I'm not a dumbass suicide bomber but even if I only have a handful of fellow patriots standing beside me I will happily die a young man knowing that I didn't allow the evils in this world to continue unjustly treating my fellow Americans so disrespectfully."

5. Dionysus claimed to have traveled to Washington, D.C. from his home, which he described as being in Wichita County, Texas. Dionysus strongly suggested having brought a firearm to Washington, D.C., and described the events of January 6, 2021 in the following manner: "I don't understand... Honestly... Those of you that are upset about the death of a fellow patriot. Yeah. That sh** sucks. Especially for those of you that were close to her. And those of you that are happy. Yeah. I'm sure we emboldened a good number of the more timid... But sh** fire. I feel like we all went into this with the intentions of getting very little done. How much did you expect to do when we all willingly go in unarmed. Let me tell you what I think (knowing going to touch some nerves.) For weeks I had prepared to show up at the capital [sic] as strapped as possible. The whole time I had high hopes that SOMEONE would understand. My plans continued as planned as well as possible. After noticing that the majority of us were too afraid of revealing a secret of some sort to say anything worthwhile. I tried to portray that I felt the best way to go about this opportunity was to show up with our D**** in our hands. I tried not too [sic] say too much in fear of backlash but I feel like I gave it a good solid try. I still brought with me exactly what I had planned on bringing. Only left it in my ride after seeing 0 accompanying me in my endeavor."

6. In the days after January 6, 2021, Dionysus continued posting on MyMilitia.com, saying he was planning to "conduct a little experiment" with the intention to "draw a lot

of heat for it but I am confident enough in my idea to risk putting myself in a 'potentially' dangerous situation." When another MyMilitia.com user asked what outcome Dionysus desired, Dionysus responded, "Death."

7. On January 16, 2021, a Confidential Human Source (hereinafter CHS1), who has previously provided reliable and truthful information to the FBI, provided information about MyMilitia.com user Dionysus. According to the CHS, Dionysus is a user of email account s****@gmail.com. On January 17, 2021, Affiant performed an open-source search, and located Facebook account with facebook.com/s*****.

8. In response to a subpoena, Google, Inc. provided Affiant with subscriber records for email account s****@gmail.com. These records identified the account subscriber as **Seth Pendley**, telephone number (940) 2xx-xxxx.

9. Affiant reviewed recent posts authored by the user of Facebook.com/s*****, which were publicly visible on the Internet. Much of the content expressed anger with the Democratic Party, and support for President Donald Trump. In a post on December 27, 2020, the user of facebook.com/s***** wrote, "Ok people. I'm done. The people in power have changed society in a way that no longer served the American people. Insanity has become the new norm to compare the individual to. I will be headed to Washington DC to hopefully help the country for the better. All I gotta say is. WHOS [sic] COMING WITH ME?" When another Facebook user asked what the user of facebook.com/s***** intended to do, facebook.com/s***** replied, "whatever fits. Depends on what happens. I'm hoping for the insurrection act but either way I want to be there."

10. Online and law enforcement database checks led to the identification of **Seth Aaron Pendley**, white male, age 28, residing in Wichita Falls, Texas. Affiant compared **Pendley's** driver's license photo to images of the user of facebook.com/s*****, and determined that the images were of the same individual.

11. Pursuant to a federal search warrant, on or about January 26, 2021, Affiant received from Facebook, Inc. content records for the aforementioned Facebook account. The records confirmed the account was registered to **Pendley**, telephone number (940) 2xx-xxxx.

12. Affiant's review of the Facebook records revealed numerous private message chats **Pendley** had in the days leading up to, and following, the January 6, 2021 events at the United States Capitol Building. On January 2, 2021, **Pendley** told an associate on Facebook that **Pendley** possessed an "AR" "556" caliber rifle, and he had cut the barrel length down to 9 ½ inches. **Pendley** stated this made the weapon illegal, and indicated he knew his failure to register the firearm was against the law. **Pendley's** associate warned **Pendley** not to bring a firearm to Washington, DC.

13. On January 4, 2021, **Pendley** told another associate that **Pendley** intended to bring firearms to Washington, D.C., but intended to leave the weapons in his car, if he saw indications of law enforcement check points, where he might be searched. On January 11, 2021, **Pendley** told an associate on Facebook that he did not actually enter the Capitol Building on January 6, 2021, but had made it to the “platform,” where he interacted with police officers. On January 11, 2021, **Pendley** told another associate on Facebook that **Pendley** had taken a piece of glass from a window at the Capitol Building on January 6, 2021.

14. On January 11, 2021, in a Facebook private message with an associate, **Pendley** said he had his cellular telephone with him on January 6, 2021, and he used it to record video of what he saw at the Capitol Building. **Pendley** sent the associate a screenshot from the video he recorded, showing his vantage point on the steps of the Capitol Building. In the image, a large crowd is visible on the Capitol steps with some members of the crowd standing on top of what appears to be a police vehicle.

15. Through physical surveillance of **Pendley’s** residence in Wichita Falls, Texas, Affiant has twice observed **Pendley** in possession of what appeared to be a black rifle case. On March 7, 2021, **Pendley** walked out the front door of his house, carrying what appeared to be a black rifle case. **Pendley** loaded the case into his silver Pontiac and departed the area for several hours before returning in the Pontiac and walking into the house with the rifle case. **Pendley** repeated this behavior on March 14, 2021, once again taking what appeared to be a black rifle case from, and then back to, his house.

16. Signal is a messaging application (i.e., app) that uses end-to-end encryption to allow users to send texts, photos, videos, and voice messages in one-to-one and group chats. In late January 2021, **Pendley** began communicating with a Confidential Human Source (hereinafter CHS2) and others via the Signal app. According to CHS2, who has previously provided truthful and reliable information to the FBI, **Pendley** is planning to attack Amazon Web Services (AWS) data centers, using explosives. CHS2 provided FBI investigators with screenshots of text conversations CHS2 was having with **Pendley** via the Signal app. On February 19, 2021, **Pendley** said in a text to CHS2 the following: “The AWS data places are almost all centrally located. They are f***ing MASSIVE. I haven’t got al [sic] the details worked out but that’s where I have risky questions for you that I didn’t want to ask until now.”

17. Amazon is a multi-national corporation headquartered in Seattle, Washington. According to Affiant’s open-source research, AWS data centers are located in various parts of the United States, where computer servers situated in large buildings assist Amazon in providing cloud-based computer services. Customers throughout the United States and internationally use AWS services to engage in commercial activity. Investigators contacted a representative of Amazon, and learned that Amazon provides commercial web

services to customers using the servers located at AWS data centers in Virginia identified by **Pendley**.

18. According to screenshots of texts provided by CHS2 to FBI investigators, on February 19, 2021, **Pendley** showed CHS2 a handwritten list of addresses for AWS data centers, most of which were located in Virginia. On February 19, 2021, **Pendley** sent the following text to CHS2: "Oh yeah if I had cancer or something I would just drive a bomb into these servers lol." **Pendley** told CHS2 that **Pendley** hoped a successful attack could "kill off about 70% of the internet."

19. On February 19, 2021, CHS2 asked if **Pendley** had chosen a specific AWS data center for attack. **Pendley** replied, "Which place first? That's still to be decided." CHS2 said he/she could obtain C4 explosives for **Pendley** to use in the attack, and **Pendley** responded, "F*** yeah. And I'm not telling anyone anything. Even if I gotta wheel a wheelbarrow in that bi***. I'm sure we can get it done." On February 22, 2021, **Pendley** said he had ordered a topographical map of Virginia, and that he had planned a method of attack against an AWS data center. On February 27, 2021, **Pendley** displayed a hand-made map of an AWS data center, featuring proposed routes of ingress and egress at the facility.

20. CHS2 and **Pendley** agreed to meet on March 31, 2021, in Fort Worth, Texas. At the meeting, **Pendley** would be introduced to an individual whom **Pendley** believed was CHS2's source of supply for explosives, but who in actuality would be an FBI Undercover Employee (UCE).

21. On March 29, 2021, in a Signal chat, **Pendley** told CHS2 that **Pendley** wanted to paint his silver Pontiac black. **Pendley** explained he would drive the Pontiac to Virginia for the planned attack, switch license plates, and then later paint the car silver again. **Pendley** believed this would confuse law enforcement, who would be looking for attackers in a black car, following the AWS data center attack. On March 30, 2021, Affiant observed **Pendley's** Pontiac parked in the driveway of **Pendley's** house in Wichita Falls, Texas, and it was still silver. On the morning of March 31, 2021, Affiant observed the Pontiac still parked in the driveway, but now freshly-painted the color black.

22. On March 31, 2021, **Pendley** arrived at a predetermined location in Fort Worth, Texas, driving the now-black Pontiac. **Pendley** met with CHS2 and the UCE. The meeting was electronically recorded, and Affiant has reviewed a recording of the conversation that took place during the meeting. During the meeting, **Pendley** explained that he had painted his car in order to disguise it for use in his planned attack against Amazon in Virginia and described using a substance called "Plasti Dip" which could easily be peeled off the car after the attack. **Pendley** described Amazon servers in Northern Virginia, which provided services to the federal government. **Pendley** described three Amazon buildings in close proximity to each other, each of which, according to **Pendley**, contained computer servers used by the FBI, Central Intelligence Agency (CIA), and other federal agencies.

23. **Pendley** further described his motive for the attack in words to the effect:

The main objective is to f*** up the Amazon servers. There's 24 buildings that all this data runs through in America. Three of them are right next to each other, and those 24 run 70 percent of the Internet. And the government, especially the higher ups, CIA, FBI, special sh**, they have like an 8 billion dollar a year contract with Amazon to run through their servers. So we f*** those servers, and it's gonna piss all the oligarchy off.

Later in the conversation, **Pendley** described how he believes the government will over-react to the attack, and how people will be awakened to how unjust the government is, in words to the effect:

It just depends on how they react. This is like a hit 'em, hopefully they react the way I would like them to react. Hopefully, they let the world know in a weird way by acting too fast that they are a f***in' dictatorship, and then hope like hell some of the people that are on the fence jump off the fence.

24. During the meeting, **Pendley** said he would use explosives provided by the UCE to destroy these computer servers, and interrupt service to as much as 70 percent of the nation's Internet service. **Pendley** also stated that he intended to fabricate boxes which could be used to direct the force of the explosive blasts.

25. During the meeting, **Pendley** described his participation in the events of January 6, 2021, at the United States Capitol Building. While **Pendley** said he did not go inside the Capitol Building, he stated that he brought an AR rifle with him on the trip which he had modified with a hack saw so it would fit inside a backpack. However, **Pendley** said he decided to leave his firearm in his car.

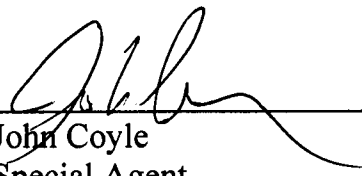
26. The UCE agreed to meet with **Pendley** the following week to provide **Pendley** with sufficient explosive devices for **Pendley** to breach multiple doors into the Amazon facility. **Pendley** confirmed his intention to meet with the UCE the following week, and the meeting ended.

27. On or about April 5, 2021, **Pendley** sent CHS2 what appear to be hand-drawn maps of the facility he planned to attack. On April 6, 2021, **Pendley** sent CHS2 a photograph of a small model of the boxes he intended to construct for directing the explosive blasts.

28. On April 8, 2021, **Pendley** again met with the UCE in Fort Worth, Texas. During the meeting, the UCE provided **Pendley** with devices the UCE explained were made of C-4 plastic explosives and detonation cord. The UCE showed **Pendley** how to arm and detonate the devices. **Pendley** took possession of the devices, and placed them in his car. At that time, **Pendley** was arrested by FBI investigators. In subsequent *Mirandized* statements, **Pendley** admitted to having orchestrated the plan to attack the AWS data centers. Investigators also executed a search warrant at **Pendley's** residence in Wichita Falls, in which they found hand-drawn maps, notes and flashcards relating to the planned attack; an AR receiver with a sawed-off barrel, along with the removed barrel piece; wigs and masks; a pistol which had been painted to look like a toy gun; paint cans; and a machete with the name "Dionysus" on the blade.


Conclusion

WHEREFORE, based upon the foregoing facts and circumstances, Affiant submits that there is probable cause to believe that the defendant, **Seth Aaron Pendley**, willfully and maliciously attempted to damage and destroy, by means of fire and explosive materials, an Amazon Web Services data center on Smith Switch Road in Ashburn, Virginia used in interstate and foreign commerce and in activities affecting interstate and foreign commerce, in violation of 18 U.S.C. § 844(i).



John Coyle
Special Agent
Federal Bureau of Investigation
Dallas Division
Wichita Falls Resident Agency

Subscribed and sworn to before me this 9th day of April, 2021 at 10:25
a.m./p.m. in Fort Worth, Texas



JEFFREY L. CURETON
U.S. Magistrate Judge
Northern District of Texas